

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA

Plaintiff,

v.

CHANDRA LEIGH DVORSCHOCK,

Defendant.

Case No. 05-cv-4133-JPG

ORDER

GILBERT, District Judge

This matter comes before the Court on the government's motion to dismiss without prejudice (Doc. 7). On November 29, 2006, the Court ordered the government to show cause why this case should not be dismissed for its failure to prosecute. After considering the government's motion, the Court finds that it is a sufficient response to its show cause order, and that order is hereby discharged.

Rule 41(a)(1)(i) provides that "an action may be dismissed by the plaintiff without a court order . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever occurs first." The defendant has not filed an answer or motion for summary judgment and the government requests that the dismissal in this case be without prejudice. The government's motion to dismiss – which the Court construes as a notice of dismissal – by itself, has the effect of dismissing the government's action without prejudice.

Therefore, the Court finds that this action has been **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: December 13, 2006

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE